

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Alan Edward Reber**
Docket No. **280956**
L.C. No. **07-009642-01**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), MCR 7.217(C), and MCR 7.219(I), orders:

On the Court's own motion, the appellant's brief is STRICKEN and this cause is REMANDED to the trial court for the appointment of substitute counsel, current counsel having failed to secure the filing of the transcripts necessary for review of the issues raised on appeal. By order entered on March 27, 2008, the Court struck appellant's brief and directed counsel to file a replacement brief after securing the filing of transcripts of the pretrial hearings on defendant-appellant's motion to suppress that were necessary for review of the issues raised in appellant's brief. On May 9, 2008, counsel filed a replacement brief, raising the same issues that were raised in the prior brief, but counsel once again failed to secure the filing of the transcripts of the pretrial hearings necessary for review of the issues raised in appellant's brief.

Under the circumstances, the trial court is directed to appoint substitute counsel and order production of transcripts of pretrial hearings noted on the register of actions as having been held on July 13, 2007, July 27, 2007, and August 10, 2007.

Current appointed counsel for appellant, Jay Courtright (P-69336), shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$250 for his failure to secure the filing of the necessary transcripts as required under MCR 7.210 and failure to comply with the Court's order of March 27, 2008. The costs are personal to the attorney and shall not be charged back to the County or to the State.

Since appellant's brief has been stricken, appellee's brief in response is also STRICKEN.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 16 2008

Date

Sandra Schultz Mengel
Chief Clerk